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| MICHIGAN DEPARTMENT OF CORRECTIONS<br><b>POLICY DIRECTIVE</b> |  | EFFECTIVE DATE<br>11/01/2007   | NUMBER<br>06.04.130 |
| SUBJECT<br>SUPERVISION OF PROBATIONERS AND PAROLEES           |  | SUPERSEDES<br>PD 06.04.130 (02/26/07)  |                     |
|   |  | AUTHORITY<br>MCL 791.223; 791.231; 791.240; Administrative Rule 791.9920<br>ACA STANDARDS<br>3-3130; 3-3131; 3-3139; 3-3152 - 3-3154 |                     |
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## POLICY STATEMENT:

The primary goal of parole/probation supervision is to protect the public. This is carried out by assigning offenders to the appropriate level of supervision, enforcing compliance with parole/probation orders and assisting offenders in their successful reintegration into the community.

## RELATED POLICIES:

06.03.105      Electronic Monitoring of Offenders

## POLICY:

## DEFINITIONS

- A. Collateral Contact: Contact in the office, the field or, if an established contact, by telephone with a person or agency that has information pertinent to an offender's supervision requirements.
- B. Home Call: Personal visit to an offender's current or proposed residence in which contact with a person at the residence is made.
- C. In-Person Contact: A personal interview conducted with an offender in the office or the field.

## GENERAL INFORMATION

- D. For purposes of this policy, "offender" means parolees and probationers unless housed in a Department facility (e.g., corrections center; Technical Rule Violation Center; Special Alternative Incarceration Program facility), including those being supervised under the Holmes Youthful Trainee Act (HYTA) and delay of sentence cases.
- E. Each offender shall be assigned to a field office for supervision. Offenders on multiple probation terms are to be assigned to the county of residence. Offenders being supervised on parole and in a probation drug court program are to be assigned to the probation office for the county of residence; all other offenders being supervised on both parole and probation are to be assigned to the parole office for the county of residence unless otherwise approved by the Deputy Director of Field Operations Administration (FOA) or designee. The field office providing supervision must keep the other jurisdiction informed of events that may require action during supervision and is responsible for the enforcement of the terms of probation or parole of the other jurisdiction.
- F. Each supervising field agent shall conduct a thorough orientation with each offender under his/her supervision at the first in-person contact after community supervision has been activated. If the offender is housed in a jail, residential program, or hospital and is not available for active supervision, the field agent shall ensure that the offender receives reporting instructions prior to release to the community.
- G. Each supervising agent shall ensure a Property Risk Screening Sheet (CSJ-352) and an Assaultive Risk Screening Sheet (CSJ-353) is completed in accordance with PD 05.01.135 "Statistical Risk Screening" for each parolee under his/her supervision to assist in determining the appropriate level of

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supervision. They similarly shall ensure that a Probation Risk/Classification Score Sheet (CFJ-221) is completed for each probationer.

- H. The FOA Deputy Director or designee may authorize modification of supervision requirements set forth in this policy which are not statutorily required based on unique circumstances, needs, or programs (e.g., sex offenders; probationers whose supervision will not be transferred by the sentencing court; Operation Nighthawk).

#### SUPERVISION LEVEL ASSIGNMENTS

- I. All supervision level assignments, and placement on or removal from mail reporting status, shall be recorded in the appropriate case notes within two business days. The reason for the action also shall be included.
- J. Offenders in jails, residential programs, or hospitals who are not available for active supervision shall be assigned to administrative supervision. Upon release, the offender shall be reassigned to an appropriate supervision level consistent with the requirements set forth in this policy. Probationers for whom non-reporting status is ordered by the court also shall be assigned to administrative supervision.
- K. Unless assigned to intensive, maximum, or administrative supervision, an offender's supervision level shall be immediately increased if s/he is arrested for any new felony, or arrested for a new assaultive misdemeanor as identified by the FOA Deputy Director or designee. If the offender remains on supervision after disposition of the charge(s) leading to the arrest, the supervising agent shall determine if a change in the supervision level is warranted.

#### Initial Assignment

- L. Offenders who meet any of the following criteria shall be assigned initially to intensive supervision, unless on administrative supervision:
  - 1. Released directly from the Technical Rule Violation Program. In such cases, the offender shall be assigned to intensive supervision for the first 90 calendar days after release. The offender's supervision level shall not be reduced from intensive supervision until after completion of the required 90-day period.
  - 2. Released directly from the Special Alternative Incarceration Program. In such cases, the offender shall be assigned to intensive supervision for the first 120 calendar days after successful completion of the program. The offender's supervision level shall not be reduced from intensive supervision until after completion of the required 120-day period.
  - 3. Assigned to the Wayne County Specialized Supervision Unit. In such cases, the offender shall be assigned to intensive supervision for the first 120 calendar days. The offender's supervision level shall not be reduced from intensive supervision until after completion of the required 120-day period.
- M. Offenders who meet any of the following criteria shall be assigned initially to maximum supervision, unless on intensive or administrative supervision:
  - 1. Required to attend sex offender treatment.
  - 2. Serving for first or second degree murder.
  - 3. Serving for a crime that received significant adverse community reaction.
  - 4. Assigned to a special supervision project requiring maximum supervision as determined by the FOA Deputy Director or designee. The offender's supervision level may be reduced only as

authorized by the FOA Deputy Director or designee.

5. On electronic monitoring supervision. The offender shall continue on maximum supervision for the first 90 calendar days after successful completion of electronic monitoring supervision. The offender's supervision level shall not be reduced from maximum supervision until after completion of the required 90-day period.
6. COMPAS assessment completed and offender's violence and recidivism risk scores indicate maximum supervision.
7. COMPAS assessment completed and offender's violence and recidivism risk scores indicate medium supervision with maximum override consideration. In such cases, a review shall be conducted to determine if the offender is more appropriately supervised under maximum supervision, taking into account the offender's COMPAS risk scores and any information that was not taken into consideration in the COMPAS assessment. The offender shall be assigned to maximum supervision only with appropriate supervisory approval.

N. All other offenders shall be assigned initially to a supervision level as set forth below:

1. Female offenders shall be assigned to minimum supervision unless the offender has two or more prior felony convictions and a history of substance abuse, in which case the offender shall be assigned to medium supervision.
2. Male offenders shall be assigned based on the higher of their property and assaultive risk factors as indicated on the their most recent Property Risk Screening Sheet and Assaultive Risk Screening Sheet or, if on probation, the Probation Risk/Classification Score Sheet, as set forth below:

| <u>Parolee's<br/>Assault/Property Risk</u> | <u>Probationer's<br/>Risk/Classification</u> | <u>Supervision<br/>Level</u> |
|--|--|------------------------------|
| Very High/High                             | High   | Maximum                      |
| Middle                                     | Middle                                       | Medium                       |
| Very Low/Low                               | Low  | Minimum                      |

3. If, due to the unavailability of required information, risk screening cannot be completed for an offender whose supervision has been transferred to Michigan through an Interstate Compact, the offender shall be assigned to medium supervision until the information is received and risk screening can be completed.
4. If a COMPAS assessment has been completed, the offender shall be assigned to the supervision level indicated by the offender's violence and recidivism risk scores unless the criteria set forth in no. 1 or 2 above requires assignment to a higher supervision level.

O. With supervisory approval, the supervising agent may assign an offender to an initial supervision level higher or lower than that set forth in Paragraph M and N if there are compelling circumstances warranting such action, unless the offender is required to be on maximum supervision pursuant to Paragraph M, no. 4 or 5.

#### Review and Change in Supervision Level

P. The supervision level of each offender shall be reviewed by the supervising agent at least six months after the date supervision began and at least every six months thereafter to determine if a change in the supervision level, or placement on mail reporting status, is warranted pursuant to this policy. The supervising agent shall record the date of this review in the appropriate case notes no later than the next business day.

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- Q. The supervising agent may increase an offender's supervision level pursuant to Paragraph P whenever the supervising agent believes the offender requires more frequent contact.
- R. The supervising agent may reduce an offender's supervision level pursuant to Paragraph P if the offender has satisfactorily completed six continuous months at a higher supervision level and meets the following criteria, subject to Paragraph T.
  - 1. The offender has maintained paid employment, participated in vocational program, and/or attended school on a full-time basis (i.e., at least 30 hours per week) for the immediately preceding three months. This does not apply if the supervising agent determines that the offender cannot meet this requirement due to medical reason or advanced age. This also does not apply if the offender is providing full-time in-home care of a dependant child for whom the offender has legal custody.
  - 2. There has been no detected substance abuse by the offender for the immediately preceding six months.
  - 3. During the immediately preceding six months, the offender has not had a pending felony charge, a pending misdemeanor charge involving the operation of a motor vehicle while under the influence of alcohol or a controlled substance, or, as identified by the FOA Deputy Director or designee, a pending assaultive misdemeanor charge.
  - 4. The offender has adequately complied with all other conditions of parole/probation.
- S. The supervising agent may reduce any offender's supervision level if there are compelling circumstances warranting such action with supervisory approval and subject to Paragraph T. However, an offender who is required to be on intensive supervision pursuant to Paragraph L or maximum supervision pursuant to Paragraph M, no. 4 or 5, shall have that supervision level reduced only as provided for in those paragraphs.
- T. A criminal history check and a check for outstanding warrants must be run on the Law Enforcement Information Network (LEIN) prior to reducing any offender's supervision level from intensive. In addition, supervisory approval is required to reduce any offender's supervision level from intensive or maximum to minimum.

#### Mail Reporting Status

- U. Parolees serving for a felony identified on Attachment A (including attempt, conspiracy to commit or solicitation to commit one of the identified offenses) or serving a life sentence are not eligible for placement on mail reporting status. All other offenders are eligible for consideration for placement on mail reporting status if the offender meets one or more of the following criteria provided the offender is not serving for an offense requiring registration under the Sex Offenders Registration Act:
  - 1. If on supervision for a felony, has successfully completed the immediately preceding 12 continuous months of community supervision at the minimum supervision level,
  - 2. If on supervision for a misdemeanor only, has successfully completed the immediately preceding six continuous months of community supervision at the minimum supervision level, or,
  - 3. Has had parole or probation extended solely for the purpose of ongoing collection of court-ordered or Department debts.
- V. Offenders on mail reporting status shall be given careful consideration for referral to the Parole Board in accordance with PD 03.01.135 "Discharge/Termination of Sentence" or to the court for discharge prior to expiration of the original parole/probation period.

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## SUPERVISION STANDARDS

- W. In-person contacts, collateral contacts, and home calls required by this policy serve various on-going supervision requirements which must be met by staff, including the following:
1. To inform the offender about supervision rules, reporting requirements, and the grievance process. This is mandatory at the first interview and as needed thereafter.
  2. To monitor the offender's behavior and his/her compliance with parole/probation orders.
  3. To screen for substance abuse, to enable appropriate referral for substance abuse programming, or, when necessary, issuance of probation/parole violation charges.
  4. To identify potential conflict areas or conditions that may seriously impede the offender's ability to remain crime-free.
  5. To establish a financial plan to meet payment requirements for restitution, parole loan repayment, and fines, costs, or other financial obligations mandated by the court or Department.
  6. To assist the offender, as needed, in obtaining employment or other training and to monitor his/her involvement. Full-time employment/training for offenders who are physically capable of work shall be a high priority of supervision.
  7. To assist the offender in obtaining necessary medical or mental health programming or other required programming, and to monitor his/her participation.
  8. To assist the offender in obtaining necessary food, shelter, clothing, job related tools, and transportation.
  9. To obtain information about any illegal conduct by the offender.
  10. To obtain other relevant information for case supervision planning.
- X. All home calls, collateral contacts, and in-person contacts shall be recorded in OMNI within one business day, and shall include details on the offender's progress, any changes, and any potential or current problems.
- Y. The FOA Deputy Director or designee shall determine the number of in-person contacts required by supervising agents for offenders on intensive supervision. Each supervising agent shall make the following in-person contacts with all other offenders under his/her supervision:
1. At least four in-person contacts each month with each offender assigned to maximum supervision; however, for those verified as having full-time employment or participating in full-time vocational training, in-person contacts may be alternated with telephone contacts.
  2. At least two in-person contacts each month with each offender assigned to medium supervision; however, for those verified as having full-time employment or participating in full-time vocational training, only one in-person contact each month is required.
  3. At least one in-person contact per month with each offender assigned to minimum supervision.
  4. At least one in-person contact every six months with each offender assigned to mail reporting status.
  5. Contact with those assigned to administrative supervision or on mail reporting status shall be

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made as determined necessary by the supervising agent.

- Z. An Offender Supervision Report (CFJ-105) shall be completed on a monthly basis during an in-person contact for each offender on intensive, maximum or medium supervision status and for other supervision levels as directed by the FOA Deputy Director or designee.
- AA. Each supervising agent shall ensure the following requirements are met for each offender under his/her supervision, except if assigned to administrative supervision:
  - 1. Offender is referred for assessment for substance abuse programming and participation in recommended treatment as required in PD 03.03.115 "Substance Abuse Programming and Testing".
  - 2. All substance abuse testing required pursuant to PD 03.03.115 is conducted. The FOA Deputy Director shall ensure that written instructions are issued regarding substance abuse testing requirements that are consistent with State statute and Department policy, including as set forth in Paragraph BB, no. 6.
  - 3. Permanent residence is verified at least every three months or, if assigned to mail reporting status, at each required in-person contact. The permanent residence also shall be verified if postmarks of envelopes used by offenders to submit mailed reports are inconsistent with the offender's reported permanent residence.
  - 4. A home call is made within 45 calendar days after a parolee's initial placement on supervision if the parolee is serving a sentence for a conviction of a violent felony as identified in Attachment B. In all other cases, a home call is made within 90 calendar days after the offender's initial placement on active supervision, unless a home call was made as part of the pre-sentence investigation or pre-parole investigation within 90 calendar days of the date active supervision began. A home call also is required within two weeks after each reported change of permanent residence unless the offender, upon release from jail or successful completion of the Technical Rule Violation Program or other residential program is returning to the same residence at which s/he was residing immediately prior to being jailed or placed in a Technical Rule Violation Center or other residential program and a home call was made previously at that residence. Additional home calls may be required as determined necessary by the supervising agent in response to special problems or requests from the offender or any other person. The FOA Deputy Director also may require additional home calls for offenders on intensive supervision. All home calls are to be planned to make the most efficient use of the agent's time and travel. Prearrangement or appointments are recommended to minimize disruption to those residing with the offender and to reduce visits where no contact is made. However, they may be unannounced when there is reason to believe this will aid in the detection or deterrence of activities that are in violation of supervision rules.
- BB. Each supervising agent also shall ensure the following additional requirements are met for each offender under his/her supervision who is assigned to medium, maximum or intensive supervision:
  - 1. Job development activities by or for unemployed offenders are reviewed and evaluated at each in-person contact and recorded in the appropriate case notes.
  - 2. At least one collateral contact is made per month. Additional collateral contacts may be made as determined necessary by the supervising agent in response to special problems or requests from the offender or any other person. The FOA Deputy Director or designee also may require additional collateral contacts for prisoners on intensive supervision. Under normal circumstances, collateral contacts shall be planned to make the most efficient use of the agent's time and travel.
  - 3. When the offender reports employment or participation in vocational training, those activities

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shall be verified at least twice each month for those under maximum or intensive supervision and at least once each month for those under medium supervision.

4. When the offender is required to participate in substance abuse or other treatment programming, initial enrollment shall be verified within two weeks and attendance verified on at least a monthly basis. The FOA Deputy Director or designee may require additional verification for prisoners on intensive supervision.
  5. When an offender is required to attend school, initial enrollment shall be verified within two weeks and completion verified at the end of each grading period. The FOA Deputy Director or designee may require additional verification for prisoners on intensive supervision.
  6. When a parolee has a history of substance abuse, the parolee shall be required to submit to substance abuse testing at least twice each month.
- CC. Supervising agents shall rely on reasonable evidence to verify employment, vocational training, schooling, participation in substance abuse or other treatment programming, or residence requirements, using the most efficient and cost-effective means available (e.g., mail, telephone, in-person contact). Pay records may be used to verify employment provided the record includes the offender's name and social security number. Documentation used to verify residence must include the offender's name and address and be dated within 30 calendar days of an in-person contact. Examples of documents that may be used to verify residence include paychecks, telephone/utility bills, certified letters – return receipt requested, lease/rental agreements and tax bills.
- DD. Each field office manager shall ensure a system is in place to monitor, on at least a monthly basis, the arrest of offenders under supervision by that office. An annual criminal history check and an annual check for outstanding warrants also shall be run through LEIN one year from the date the offender was placed on probation or parole and every year thereafter; however, for parolees serving a sentence for conviction of a violent felony as identified in Attachment B, the criminal history check and check for outstanding warrants shall be run not less than quarterly. A criminal history check and a check for outstanding warrants also shall be run on all offenders no later than one month prior to the offender's discharge.
- EE. All parolees are prohibited as a condition of parole from being in the unauthorized company of a person the parolee knows to possess a firearm. The Regional Administrator or designee may authorize a parolee to be in the company of a person the parolee knows to possess a firearm only if the person is a verified employee of a criminal justice or law enforcement agency and is required as part of that employment to carry a firearm, provided the firearm is either in the physical possession of the person or stored in a locked location whenever the parolee is in the person's company; however, a parolee shall be authorized to reside with that person only if the person is a verified employee of a law enforcement agency and meets all of the remaining criteria, unless otherwise approved by the FOA Deputy Director. Authorization shall be granted for no longer than six month renewable periods. The authorization shall be withdrawn whenever there has been a change in the circumstances which led to the authorization. Authorization and any withdrawal of that authorization shall be documented on the Parole Condition Authorization form (CFJ-429) and in OMNI case notes.
- FF. A probationer may be prohibited as a condition of probation from being in the unauthorized company of a person the probationer knows to possess a firearm. In such cases, approval from the sentencing court shall be requested to allow contact as set forth in Paragraph EE for parolees; contact shall not be permitted unless such approval is received.

#### OPERATING PROCEDURES

- GG. The FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures

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are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

#### AUDIT ELEMENTS

HH. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist FOA Regional Administrators with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

#### ATTACHMENTS

II. This policy includes the following attachments:

1. Attachment A - Offenses Precluding Assigning Parolee to Mail Reporting
2. Attachment B - Violent Felonies

Approved - PLC/OLA 10/10/07



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## ATTACHMENT A

### OFFENSES PRECLUDING ASSIGNING PAROLEE TO MAIL REPORTING STATUS

A parolee serving a life sentence or a felony sentence for any offense identified below (including attempt, conspiracy to commit or solicitation to commit one of the offenses) shall not be assigned to mail reporting status.

| <u>MCL</u>  | <u>OFFENSE</u>   |
|-------------|--|
| 257.625     | Operating a motor vehicle under the influence of intoxicating liquor or controlled substance   |
| 281.1171    | Operating a vessel under the influence of intoxicating liquor or a controlled substance  |
| 324.80176   | Operating a vessel under the influence of intoxicating liquor or a controlled substance  |
| 750.10a     | Sexually delinquent person   |
| 750.49(8)   | Animals; fighting, baiting or shooting; dogs trained for fighting; causing death of a person   |
| 750.72      | Burning dwelling house   |
| 750.73      | Burning of other real property   |
| 750.80      | Setting fire to mines and mining material  |
| 750.82      | Felonious assault  |
| 750.83      | Assault with intent to commit murder   |
| 750.84      | Assault with intent to do great bodily harm less than murder   |
| 750.86      | Assault with intent to maim  |
| 750.87      | Assault with intent to commit felony not otherwise punished  |
| 750.88      | Assault with intent to rob and steal; unarmed  |
| 750.89      | Assault with intent to rob and steal; armed  |
| 750.90      | Sexual intercourse under pretext of medical treatment  |
| 750.91      | Attempt to murder  |
| 750.110a    | Breaking and entering a dwelling; home invasion  |
| 750.112     | Burglary with explosives   |
| 750.136b    | Child abuse  |
| 750.145c    | Child sexually abusive activity or material  |
| 750.157b(2) | Solicitation of murder   |
| 750.204     | Sending explosives with intent to injure persons   |
| 750.204a    | Sending or transporting device represented or presented as an explosive, incendiary device, or bomb                                    |
| 750.205     | Placing explosives with intent to destroy; no resulting damage   |
| 750.205a    | Intimidation or harassment by device represented or presented as an explosive, incendiary device, or bomb                              |
| 750.206     | Placing explosives with intent to destroy causing damage to property   |
| 750.207     | Placing explosives with intent to destroy causing injury to any person   |
| 750.208     | Placing explosives; aiding and abetting with intent to destroy   |
| 750.210     | Possession of bomb with intent to use unlawfully   |
| 750.211     | Explosives; manufacture, etc. with intent to use unlawfully  |
| 750.211a    | Device designed to explode upon impact, upon application of heat or device highly incendiary; possession with intent to use unlawfully |
| 750.213     | Malicious threats to extort money  |
| 750.316     | First degree murder  |
| 750.317     | Second degree murder   |
| 750.319     | Death as result of fighting a duel   |
| 750.321     | Manslaughter   |
| 750.322     | Manslaughter; wilful killing of unborn quick child   |
| 750.327     | Death due to explosives  |
| 750.328     | Death due to explosives; placed with intent to destroy building or object  |
| 750.329     | Death, firearm pointed intentionally, but without malice   |

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# **ATTACHMENT A - continued**

## **OFFENSES PRECLUDING ASSIGNING PAROLEE TO MAIL REPORTING STATUS**

### MCL

### OFFENSE

|            |   |
|------------|---|
| 750.411i   | Aggravated stalking   |
| 750.436(2) | Poisoning food, drink, medicine, wells, etc.; infliction of great bodily injury |
| 750.479b   | Taking firearms or other weapons from peace officers and corrections officers   |
| 750.511    | Attempt to wreck or endanger safety of passengers                               |
| 750.520b   | First degree criminal sexual conduct  |
| 750.520c   | Second degree criminal sexual conduct   |
| 750.520d   | Third degree criminal sexual conduct  |
| 750.520e   | Fourth degree criminal sexual conduct   |
| 750.520f   | Second or subject offenses - criminal sexual conduct                            |
| 750.520g   | Assault with intent to commit criminal sexual conduct                           |
| 750.529a   | Carjacking  |

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## ATTACHMENT B

### VIOLENT FELONIES

| <u>MCL</u> | <u>DESCRIPTION</u>   |
|------------|--|
| 750.82     | Felonious assault  |
| 750.83     | Assault with intent to commit murder                         |
| 750.84     | Assault with intent to do great bodily harm less than murder |
| 750.86     | Assault with intent to maim                                  |
| 750.87     | Assault with intent to commit felony not otherwise punished  |
| 750.88     | Assault with intent to rob and steal; unarmed                |
| 750.89     | Assault with intent to rob and steal; armed                  |
| 750.316    | First degree murder  |
| 750.317    | Second degree murder   |
| 750.321    | Manslaughter   |
| 750.349    | Kidnaping  |
| 750.349a   | Prisoner taking another as a hostage                         |
| 750.350    | Kidnaping; child under 14                                    |
| 750.397    | Mayhem   |
| 750.520b   | First degree criminal sexual conduct                         |
| 750.520c   | Second degree criminal sexual conduct                        |
| 750.520d   | Third degree criminal sexual conduct                         |
| 750.520e   | Fourth degree criminal sexual conduct                        |
| 750.520g   | Assault with intent to commit criminal sexual conduct        |
| 750.529    | Armed robbery; aggravated assault                            |
| 750.529a   | Carjacking   |
| 750.530    | Unarmed robbery  |